

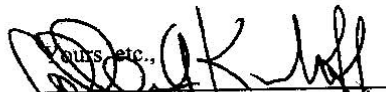
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X NOTICE OF MOTION  
DOROTHY TESTAVERDE, as Administratrix of  
the Estate of ALONZO TESTAVERDE, Deceased, Index #: CV-05-2462 (ARR)  
  
Plaintiff,  
-against-  
  
UNITED STATES OF AMERICA,  
Defendant.  
-----X

S I R S :  
PLEASE TAKE NOTICE that upon the annexed Affirmation of Colleen Kirchoff, Esq.,  
dated January 10, 2006, and upon all the pleadings and proceedings heretofore had herein, including  
an attorney's good faith affirmation, the undersigned will move this Court before the EASTERN  
DISTRICT OF NEW YORK, located at 225 Cadman Plaza East, Brooklyn, NY 11201 on the \_\_\_\_  
day of \_\_\_\_\_ at 9:30 o'clock in the forenoon of that day or as soon thereafter counsel can  
be heard for an Order to Compel Immediate Discovery , Sanctions due to Non-compliance  
pursuant to Rules 26 and 37 of the F.R.C.P., and Extend Fact Discovery for three months, and  
for such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to CPLR §2214(b) answering  
affidavits, if any, are to be served upon the undersigned at least seven (7) days prior to the return date  
of this motion.

Dated: New York, New York  
January 10, 2006

  
Colleen Kirchoff - Attorney No. BK 8277  
WINGATE, RUSSOTTI & SHAPIRO, LLP  
Attorneys for Plaintiff  
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New York, NY 10170  
(212) 986-7353

*App. granted in  
part + denied  
in part. Rulings  
on calendar for 1/11/06*

*1/11/06*